IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.882 OF 2005
IN
NOTICE OF MOTION NO.1986 OF 2005
IN
SUIT NO.1827 OF 2005

Smt.Pramila Lalbhai Dabhoya — Appellant
vs.
Dr.Harish Lalbhai Dabhoya — Respondent

Mr.M.K.Nesari for the appellant.

Ms.Sapna Samant i/b.Mr.H.S.S.Murthy for the respondent.

CORAM : R.M. LODHA &
D.G. KARNIK, JJ.

DATED : 21st November 2005

P.C.

We heard Mr.M.K.Nesari, the learned counsel for the appellant and Ms.Sapna Samant, the learned counsel for the respondent.

2. The parties who are mother and son agreed for the following arrangement:

(i) The respondent (defendant-son) shall vacate the ground floor of the bungalow "Advait" standing on plot No.45 and CTS No.1998/150 in Abhinav Co-operative Housing Society Limited at Borivli(East), Mumbai to enable the

appellant (plaintiff) to shift to the ground floor.

(ii) Simultaneously the appellant (plaintiff-mother) shall vacate the first floor of the said bungalow to enable the respondent (defendant) to occupy the first floor.

(iii) We record and accept the undertaking of the respondent (defendant-son) that by 30th November 2005 he will vacate the ground floor. Similarly, we record and accept the undertaking of the appellant (plaintiff-mother) that simultaneously upon her shifting to the ground floor of the aforesaid bungalow, she would vacate the first floor of the bungalow to enable the respondent (defendant-son) to occupy the first floor.

(iv) The aforesaid arrangement has been made keeping in view the age and physical condition of the appellant (plaintiff-mother) and the said arrangement shall have no bearing on the decision in the Suit.

3. We grant liberty to the plaintiff to apply to the learned trial Judge for expediting the hearing of the Suit. All contentions of the parties are kept open to be agitated in the Suit.

(R.M.LODHA, J.)

(D. G. KARNIK, J.)